

REMARKS

Discussion of Restriction Requirement

In the Restriction Requirement dated August 10, 2006, the Examiner divided the claims into the following groups:

Group I, claims 22-26 drawn to an immunogenic composition comprising live *Arthrobacter* spp. and an immunogen.

Group II, claims 27 and 28 drawn to a method of treating particular diseased fish comprising administering to particular fish a composition comprising live *Arthrobacter* spp. and an immunogen.

Group III, claims 29 and 30 drawn to a method of preventing a disease comprising administering to particular fish a composition comprising live *Arthrobacter* spp. and an immunogen.

Group IV, claims 31 and 32 drawn to a kit comprising two distinct vaccine including a first vaccine comprising live *Arthrobacter* cells and a second vaccine comprising an immunogen.

The Applicants, provisionally, elects Group I, Claims 22-26, with traverse.

The Applicants respectfully traverse the Restriction Requirement. Groups I, II, and III are not independent inventions because the methods of using the immunogenic compositions of Group I are covered by Groups II and III. As a national phase application of a PCT application, it is appropriate to examine a composition and methods of using the composition together.

In addition, it would not be an unnecessary burden for the Examiner to search for prior art for Groups I and IV. The search for prior art for Group I should reveal any prior art that would cover Group IV. The inventions are similar because the component vaccines of the kit in Group IV are contained within the broad scope of Claim 22 in Group I. It is just that Group IV is a kit containing two or more vaccines, which within Group I, are combined as one composition.


As such, the Applicants request that the Examiner withdraw the restriction requirement.

Because the Applicants must elect a group, the Applicants are withdrawing claims 27-32. Should the Examiner refuse to examine the claims together, the Applicants reserve the right to seek rejoiner of Claims 27-30 after the Examiner allows Claims 22-26.

The Examiner is invited to contact the undersigned at the indicated telephone number to discuss this Response to Restriction Requirement / Amendment.

Respectfully submitted,

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